

UTT/0310/12/FUL - STANSTED

PROPOSAL: Demolition of engineering works and erection of care home (Class C2) with other ancillary works

LOCATION: Braefield Precision Engineers Ltd High Lane Stansted CM24 8LQ

APPLICANT: Castleoak Care Developments Ltd

AGENT: Asbri Planning Ltd.

GRID REFERENCE: TL 514-256

EXPIRY DATE: 30 May 2012

CASE OFFICER: Maria Tourvas

APPLICATION TYPE: Major

1. NOTATION

1.1 Within Development Limits, Potentially Contaminated Land, adjacent TPO

2. DESCRIPTION OF SITE

2.1 The site is located within Stansted's Development Limits on the corner High Lane (B1351), west side, and north of Coltsfield. The site is surrounded by residential properties which are located on Coltsfield, Highmead and Birchalls.

2.2 The application site consists of a predominately two-storey building which itself consists of single storey elements fronting High Lane. It is considered to have been constructed around the 1930s. There is a tower like structure on the application building which is not listed or a scheduled monument. The property is used for the purposes of metal fabrication engineering (Class B2 General Industrial).

2.3 The site covers a total area of 0.5 hectares (1.21 acres) with the building covering a floorspace of 2210 square metres.

2.4 The site is well screened by trees entering into Coltsfield and along High Lane. There is a wide verge which sets the application site back from High Lane. There are three trees covered by Tree Preservation Orders, which are sited outside the application site along the shared boundary with no.1 and 2 Birchalls.

2.5 The main access into the site is taken from Coltsfield; however there is secondary access from High Lane. There is currently off-street car parking provision for 20 cars and 2 motorcycles.

2.6 There are residential properties that abut the site along the western and the northern boundary, also opposite the site on Coltsfield. Along Coltsfield and Highmead there are a mixture of bungalows, chalet bungalows and two storey dwellings all varying in style, design and use of materials.

- 2.7 There is currently a 6m gap between the existing building and the shared boundary with the neighbouring properties on Birchalls. The site is within a slight 'bowl' whereby the neighbouring properties adjacent to the site, such as 2 Coltsfield, are at a higher ground level; however the actual site itself is level. This change in ground level between the site and adjacent properties is supported by a landscaped bank/retaining wall.
- 2.8 2 Coltsfield has a habitable room window along the southern flank elevation, which has been stated to be a secondary window serving this room, and also there is a garage adjacent to the shared boundary. No. 6 and 7 Birchalls are orientated at an angle to the site, with no. 6 having an obscurely glazed bathroom window on the flank elevation.

3. DESCRIPTION OF PROPOSAL

- 3.1 The application is for the demolition of the engineering building and the erection of a two-storey care home (Use Class C2-Residential Institutions) which would consist of 60 bedrooms.
- 3.2 The proposed building would be set back from the front of the site by at least 17.5m from Coltsfield and at least 15m from High Lane. The structure would be set off the shared boundary with no. 2 Coltsfield by 4.2m.
- 3.3 It is proposed that there would be one main secured entrance into the building with a communal area to the rear of the site. The 60 bedrooms would be split into four sections over the two-floors. There would also be staff facilities, a main kitchen serving the proposed development, a shop, coffee shop, activities room, hairdressing, 4 separate seating and dining areas, activities room, cinema and a plant room.
- 3.4 It is proposed that the building be finished in part brick and part render. The highest part of the site would be the main entrance element at 10.6m. The rest of the development is staggered with different roof elements averaging at approximately 8.5m in height.
- 3.5 25 car parking spaces are proposed as part of the application (each measuring 2.5m x 5m). 6 of the 25 spaces are proposed to be allocated for staff and would be located adjacent to High Lane with the existing electricity substation. The rest of the parking provision would be located to the front off Coltsfield. Two spaces would be designated disabled parking bays with 1.2m of reserved area. A secure cycle store is also proposed at the front of the site, together with another two cycle stands by the buildings main entrance.
- 3.6 It is proposed that there would be approximately 957 square metres of communal amenity space to the north of the site adjacent to the residential gardens of properties fronting Highmead and Birchalls. It is proposed that there would be retaining wall and bank work as part of the associated landscaping.

4. APPLICANT'S CASE

- 4.1 The following documents have been submitted with the application:

Design and Access Statement (by Carless and Adams Partnership) – February 2012
Transport Statement (Peter Evans Partnership) – February 2012
Interim Travel Plan (Peter Evans Partnership) – February 2012

Planning Statement (Asbri Planning) – February 2012
Sun Path Analysis (Asbri Planning) – February 2012
Employment Report (Letter by Coke Gearing) – 11 August 2011
Extended Phase 1 Habitat Survey (Clarke Webb Ecology Limited) – 2011
Care Needs Assessment Report (Castleoak) – January 2012
Arboricultural Survey (Quaife Woodlands) – 23 June 2011
Report on Reinstatement Works (ICON Building Consultancy) – October 2011
Site Waste Management Plan (Castleoak) – 29 January 2012
Sustainability Statement (Castleoak) – February 2012
Statement of Community Consultation (Asbri Planning) – January 2012
Geotechnical and Geoenvironmental Report (Terra Firma (Wales) Limited) – July 2011
Drainage Statement (Curtins Consulting) – 26 January 2012

4.2 Consultation and Community Involvement

As part of the application process a public exhibition has been undertaken by the applicant prior to the submission of the application, in accordance with the Council's Statement of Community Involvement. A Statement of Public Consultation has been submitted as part of the application as a result outlining the approach that has been undertaken.

A letter was sent out to invite 160 local residents, local Councillors and members of the Stansted Community Council to a public exhibition which was undertaken on Wednesday 14 December 2011 at the Peter Kirk centre St. Johns Road and a presentation to Stansted Community Council was undertaken on Wednesday 18th January 2012.

Further to this the proposed scheme had undertaken pre-application discussions with the Local Planning Authority, Councillors, local residents, the Community Council and ECC Highways. Questionnaires undertaken during the course of the public exhibition have been summarised and submitted as part of the application.

5. RELEVANT HISTORY

5.1 There has been no recent material planning applications relating to this site.

6. POLICIES

6.1 National Policies

National Planning Policy Framework

6.2 East of England Plan 2006

Policy SS1 - Achieving Sustainable Development
Policy SS2 – Overall Spatial Strategy
Policy SS4 - Towns Other than Key Centres and Rural Areas
Policy E1 – Job Growth
Policy E2 – Provision of Land for Employment
Policy E3 – Strategic Employment Sites
Policy E5 – Regional Structure of Town Centres
Policy T1 – Regional Transport Strategy Objectives and Outcomes
Policy T2 – Changing Travel Behaviour
Policy T3 – Managing Traffic Demand
Policy T4 - Urban Transport

Policy T7 - Transport within Rural Areas
Policy T8 – Local Roads
Policy T13 - Public transport accessibility
Policy ENV1 – Green Infrastructure
Policy ENV3 – Biodiversity and Earth Heritage
Policy ENV7 - Quality in the Built Environment
Policy ENG1 - Carbon Dioxide Emissions and Energy Performance
Policy WAT4 - Flood Risk Management

6.3 **Essex Replacement Structure Plan 2001**

No policies relevant.

6.4 **Uttlesford District Local Plan 2005**

Policy S1 – Development Limits for the Main Urban Areas
Policy E1 - Distribution of Employment Land
Policy E2 – Safeguarding Employment Land
Policy GEN1 – Access
Policy GEN2 – Design
Policy GEN3 – Flood Protection
Policy GEN4 – Good Neighbourliness
Policy GEN6 - Infrastructure Provision to Support Development
Policy GEN7 - Nature Conservation
Policy GEN8 – Vehicle Parking Standards
Policy ENV3 - Open Spaces and Trees
Policy ENV12 –Protection of Water Resources
Policy ENV14 – Contaminated Land
Policy ENV15- Renewable Energy
Policy H1 - Housing Development
Policy H3 - New Houses within Development Limits

6.5 **Stansted Mountfitchet Community Plan (2011)**

The Plan states over the years the number of shops have reduced in the Parish and that they have done well to hold as many retailers as they have. The Plan discusses the widespread fear of crime whether actual or perceived, even though the reality is less and the need for more Police Officers on the streets which would reduce the perception and the need for better street lighting.

The Village Plan discusses issues relating to roads traffic and parking in the area. It is highlighted within the Plan the need for more smaller family dwellings (2 and 3 bedroom units) and the need for affordable housing.

The document identified that Stansted has enlarged over the years and states that any further attempts to significantly enlarge Stansted would be resisted. The Plan identifies that the Uttlesford District Council's Strategic Housing and Land Availability Assessment (SHLAA) identifies a number of sites that could potentially bring forward housing schemes one of those sites identified is the subject application site and it is stated that the Parish Council agrees with this site (page 13 of Community Plan).

It is discussed within the document the local public's likes and dislikes about living in the Parish. The dislikes included amongst other things traffic and anti-social behaviour.

7. CONSULTATIONS

- 7.1 **Planning Policy:** The site is not allocated for any particular use. It is within the development limits where there is a policy presumption in favour of appropriate development. A care home would normally be considered as appropriate development in this context, subject to the general development control policies including GEN1 Access, GEN2 Design, GEN8 Vehicle Parking Standards being satisfied. However, the fact that the site is currently in employment use is a material consideration and needs to be taken into account in the assessment of the planning application.
- 7.2 Policy E2 states that the development of employment land for other uses outside the key employment areas will be permitted if the employment use has been abandoned or the present use harms the character or amenities of the surrounding area. The site is surrounded on three sides by residential properties and an engineering works with its potential for noise and disturbance not necessarily being compatible with these uses but some other employment use could take place on the site without undue disturbance and as there is limited employment land within the village as previously advised evidence of marketing for employment use would need to be submitted in support of the application in order to demonstrate that there is no demand for employment use of the site.
- 7.3 *National Planning Policy Framework*
The key message in the NPPF is that development which is sustainable should be approved without delay.and that planning should proactively drive and support economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places that the country needs.
- 7.4 Para 50 says that in order to deliver a wide choice of high quality homes, widen opportunity for home ownership and create sustainable, inclusive and mixed communities local authorities shouldplan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes).
- 7.5 Although a care home does not fall within the residential use class it does provide for specific accommodation needs which may in turn free up other housing.
- 7.6 The housing enabling and development officer will comment on the need for this type of provision in more detail.
- 7.7 *Emerging Local Plan*
The Strategic Policies and Development Management Policies are not far enough advanced to be given any weight in relation to this application.
- 7.8 *Parish/Town Plan or Design Statement*
The Stansted Mountfitchet Community Plan was produced by the parish council, following extensive consultation with residents, in 2011. The district council has adopted the plan as approved guidance for determining planning applications.
- 7.9 In the plan the future aspirations for the village are set out below. This site is specifically mentioned as one where the Parish Council agrees it could provide a development opportunity for housing as the site is identified in the District Council's Strategic Housing Land Availability Assessment as a site which is suitable, available

and achievable for housing. The Parish Council's response to the SHLAA was actually dependent on the site not being needed for business use.

7.10 *The way forward*

. *Stansted Mountfitchet must remain a separate community* with any coalescence towards Birchanger, Bishop's Stortford, Elsenham or Ugley considered unacceptable. [Policies S6 and S7 Uttlesford Local Plan]

. *Support the retention of greenbelt* apart from minor variations at Elms Farm or Pines Hill which would result in substantial gain for the community.

. *No more major housing development in or around the parish.*

. *No second runway at Stansted Airport* - this view was supported by 76% of respondents. More efforts need to be made to ensure that the needs of the local community are balanced against those of airport users.

. *A number of small sites with potential for development have been identified* in Uttlesford District Council's Strategic Housing and Land Availability Assessment (SHLAA). The Parish Council agrees with six sites – two on Cambridge Road (Sworders and Concord), Bentfield Road commercial site, (application for 9 dwellings approved in 2011), Braefield on High Lane, Elms Farm (subject to planning and highways issues being resolved) and Pines Hill. Two additional sites at the Three Colts (Cambridge Road) and St Mary's School (St John's Road) are also worthy of consideration. If these sites were developed then, depending on density, about 166-267 dwellings would be added to the stock of 3300 once Foresthall Park is complete. This would represent an increase of between 5% and 8%. [Policies S1 and H1]

. *Greenbelt boundaries should largely be retained* and are supported by over 90% of respondents. [Policy S6]

. *Oppose the construction of large, out of character blocks of flats* especially where there is no outdoor space. [Policy GEN2]

. *Require all new buildings to be in keeping with the surrounding environment.* [Policy GEN2]

. *Oppose gated developments* as creating an unnecessary divide within a safe community.

. *Consider creating a new conservation area* around the St John's Area.

7.11 *Comments*

In order for this application to be approved the Council has to be satisfied that:

- a) there is no demand for this site for business use or
- b) that the use proposed will generate local jobs

7.12 **Access Officer:** Compliance with Part M, BS8300 and the CQC as set out in the Design and Access Statement will ensure this meets the need of the residents.

7.13 **Landscape Officer:** The existing trees shown to be retained are the most important subjects; as for the removal of those existing trees on the green sward fronting High Lane these are not considered to be of particularly high amenity value and there is no objection to their removal subject to an appropriate scheme of new planting. The limited tree planting shown to be provided is not considered to be satisfactory. I would be looking for a robust native species mixed hedge to be planted. Such hedging should be extended along the southern boundary of the site to provide enclosure and screening particularly of the car parking areas. It would be appropriate for the hedging mix of be similar to the species mix shown for the 'understorey planting'.

7.14 **Veolia:** The site falls within a Ground Water Protection Zone. Construction works and operation of the proposed development site should be done in accordance

with the relevant British Standards and Best Management Practices thereby significantly reducing the groundwater pollution risk.

- 7.15 **Education:** I have considered the above application with regard to whether a s106 contribution would be required to provide additional early years and childcare places to meet the needs of the employees generated by the proposed development. I can confirm that we are satisfied that there will be sufficient places and that we will not be making a request for an EY&C contribution on this occasion.
- 7.16 **Thames Water:** No objections however prior approval would be required from them for connection to the public sewer.
- 7.17 **Climate Change Officer:** Recommend condition on compliance with BREEAM 'Very Good'. Initially requested meeting 10% energy efficiency, however Part L of the Building Regulations have since improved to capture this element.
- 7.18 **Drainage:** The application states that surface water drainage will be to soakaway and the drainage statement confirms that the applicant is in discussion with the Environment Agency on how this may be achieved. A condition on surface water drainage is suggested.
- 7.19 **ECC Archaeology:** Information received from a resident regarding the presence of a Second World War Structure which is incorporated into the development. The Engineering building appears larger than the second floor structure that is visible and appears to have been expanded. Its significance is unknown therefore recommend a building recording condition prior to any demolition taking place.
- 7.20 **Environmental Health:** The submitted geo-environmental report indicates that the contamination which would present a health risk to end users is not present on the site. No further investigation or remediation of ground contamination is required in this respect. With regards to noise 2 complaints have been received over the years one in 1998 and the last in 2000 regarding metal working at the site.
- 7.21 **Highways:** Further information was sought by Highways on 2nd April 2012 relating to information on the expected number of staff, medical, maintenance, catering etc who would be on site at any one time assuming maximum occupancy and the reasoning behind using minimum parking bay sizes 2.5m x 5m which is for exceptional circumstances. Also details relating to the frequency of the sub-station being services and number of deliveries with regards to blocking in car parking space number 25.
- 7.22 Further to the additional information being provided a revised response has been received dated 4th May 2012 raising no objections subject to conditions on surface water discharge, details of arrangements during the construction period with wheel washing facilities, Travel Plan and the provision of the parking spaces prior to occupation.
- 7.23 **NATS:** No safeguarding objection.
- 7.24 **ECC Adult Health and Well-Being:** From an Essex County Council perspective only. The development site catchment area covers the borders of Essex and Hertfordshire, however this report uses information about demand and capacity in relation to Essex County Council only.
- 7.25 There is estimated to be a sufficient amount of capacity within 5 miles of the

development site to meet current demand; however there is a current shortfall of 48 beds within a 10 miles radius. This will cover areas which are within reasonable driving distance as noted in the Castleoak report.

- 7.26 The Uttlesford district is likely to experience a greater than average growth in older people with care needs over the coming years. It is therefore likely that current capacity will not be sufficient to meet local needs over the next few years within a 5 and 10 mile radius.
- 7.27 There is however a large undersupply of 222 units of supported housing, including 155 extra care units in Uttlesford district. This should be taken into account when considering any future registered care developments in this area.
- 7.28 **Environment Agency:** Initially raised objection on the grounds of contamination and flood risk grounds (dated 23rd April 2012).

Following further discussions with the EA and the submission of additional information no objection is now raised subject to conditions relating to contamination, verification and remediation measures, no infiltration of surface water drainage into ground, no penetrative foundations or boreholes unless agreed by the Local Planning Authority in consultation with the Environment Agency.

- 7.29 **Police Architectural Liaison Officer:** No comments received.
- 7.30 **Essex Bat Group:** No comments received.
- 7.31 **National Air Traffic Services:** No comments received.
- 7.32 **National Grid Plant Protection:** No comments received.
- 7.33 **ECC Ecology:** No comments received.
- 7.34 **English Heritage:** English Heritage has considered this building for listing and decided not to add Braefield Engineering Pill Box Factory to the list. It has no relationship or group value with other defence structures and therefore the factory does not fulfill the criteria for listing in a national context.

8. PARISH/TOWN COUNCIL COMMENTS

- 8.1 No objection to the proposed use of the site as a care home but believe that it is too large and does not realistically provide sufficient on-site car parking and the neighbouring streets are unsuitable to accommodate overspill parking so request that the site layout be reconfigured to provide additional parking.

9. REPRESENTATIONS

- 9.1 The neighbouring properties have been notified of the planning application and the application has been advertised on site. To date 3 representations have been received raising the following points;
- Not totally against development but there are already two care homes in Stansted;
 - Unfair when we have been refused a drop kerb;
 - Object on the grounds that the site is of historical importance, recorded monument no.1422487;

- Viability of the proposed care home particularly with others that are proposed within the area;
- Overshadowing;
- Distance of end wall;
- Impact on lounge right hand-side to rear;
- Insufficient parking
- Do not object to scheme as the engineering site is now out of place;

Notification period expired 12 April 2012

10. APPRAISAL

10.1 The issues to consider in the determination of the application are:

- (A) **Principle of development, demolition and the justification relating to the loss off employment site (Local Plan Policy S1, E1, E2, RS Policy SS1, E1 and E2)** ;
- (B) **Scale, layout, design, amenity and sustainable construction issues (Local Plan Policies GEN2, GEN4, ENV12, ENV15 & SPD: Energy Efficiency and Renewable Energy)**;
- (C) **Highways, Accessibility and Parking (Local Plan Policies GEN1, ENV13 and GEN8)**;
- (D) **Contaminated land issues (Local Plan Policy ENV14)**;
- (E) **Flood risk issues (Local Plan Policy GEN3,)**;
- (F) **Impact on biodiversity (Local Plan Policy GEN7, RS Policies ENV1 and ENV3)**;
- (G) **Other material considerations:**

10.2 (A) **Principle of development , demolition and the justification relating to the loss of employment site**

The key message in the NPPF is that development which is sustainable should be approved without delay.and that planning should proactively drive and support economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places that the country needs.

10.3 Paragraph 50 of the NPPF says that in order to deliver a wide choice of high quality homes, widen opportunity for home ownership and create sustainable, inclusive and mixed communities local authorities shouldplan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes).

10.4 The Strategic Policies and Development Management Policies forming part of the LDF are not far enough advanced to be given any weight in relation to this application.

10.5 The Stansted Mountfitchet Community Plan was produced by the Parish Council, following extensive consultation with residents, in 2011. The District Council has adopted the plan as approved guidance for determining planning applications.

10.6 The Plan's future aspirations for the village are set out below. This site is specifically mentioned as one where the Parish Council agrees it could provide a development opportunity for housing as the site is identified in the District Council's Strategic Housing Land Availability Assessment as a site which is suitable,

available and achievable for housing.

- 10.7 Local Plan Policy S1 (within development limits in existing main urban areas) applies to areas such as Stansted Mountfitchet. It states that major urban extensions would be permitted if in accordance with the Local Plan and development is within the existing built up areas, if it is compatible with the character of the settlement; and in addition for sites on the edge of the built up area, its countryside setting.
- 10.8 The Council's Planning Policy section outlined that in order for this application to be acceptable the Council has to be satisfied that:
- There is no demand for this site for business use or
 - That the use proposed will generate local jobs
- 10.9 The site's lawful use is for the purposes of employment (Class B2); however the site itself is not an identified as a safeguarded site due to the size of the site being less than 1.0 hectare. Local Plan Policy E2, relating to safeguarding employment land, states that for sites that are not key employment sites, such as the subject application site, development will be permitted of those sites where the employment use has been abandoned or the present use harms the character and amenities of the surrounding area.
- 10.10 The site is within the Development Limit of Stansted on developed land where in principle development is acceptable, subject to compliance with other policies of the Local Plan. The site is not abandoned, however the level of site usage is stated to be reducing over the years, in terms of number of staff due to the structural state of the building of which it is now beyond economic repair. This aspect is discussed further below.
- 10.11 It is stated that the building is not fit for purpose. The company has expressed the desire to combine all of their other premises (one in Bishop Stortford and one in Dorset). As a result the owners are actively pursuing new premises elsewhere within the District.
- 10.12 **Employment Report:**
An employment report produced by Coke Gearing has been submitted as part of the application. The report was undertaken in order to review the prospects of the site to consolidate the company's operations onto a single site. The report states that following the acquisition of the other subsidiary companies the company's focus has moved from a more traditional use of machinery tools and manufacturing engineering to one that is more related to high technology electronics and satellite communication operations. Since 2008 a review of the company and its options, considering the building and the site, had concluded that the Stansted site would not be capable of sensible, and economic conversion to suit the requirements of a modern, high technology company.
- 10.13 It has been stated that this view was reached having regard to the following;
- The site is non-confirming in primarily in a residential area, issues with noise and HGV movement;
 - The height of the building limits loading and external yard space;
 - Further space is required in the form of office space and design/laboratory space, the building is too constrained to provide this additional accommodation required;

- The business requires area for the manufacturing of satellite aerial masts which have a minimum height of 8m.
- 10.14 The report highlighted that the use of the present building for alternative uses, the most suitable due to the sites constraints being Class B1 Light Industrial or office space, would require substantial re-modelling or redevelopment to get eaves height, increased yard and circulation area. The location of the site is also likely to be a disadvantage.
- 10.15 The possibility of office development was looked at, however due to the current market situation it has been stated that there are over 78 separate office suites on the market ranging from 1,500 to 5,000 square feet (345,000 sqft) within a 10 mile radius of Stansted. The viability aspect has also been assessed which resulted in a negative site value for office redevelopment, therefore it was not considered to be economically viable.
- 10.16 The report went on to state that the new office space at Parsonage Farm, Stansted (approximately 80% of the original development) remains vacant after 2 years of marketing despite offering quality accommodation. As a result of the negative land values for office development alternative uses were looked at which included residential and care homes. The use of the site for care home purposes concluded to be the most appropriate commercial use for the site.
- 10.17 ICON Building Surveyors have undertaken a report regarding the fabric of the building. The structural report outlined that the building has the following issues;
- Asbestos cement roofs, leaking guttering and roof which require replacing, cracked window panes, poor steel framework, corroding roof beams in areas requiring specialist concrete repair, missing cladding over external canopy, timber fascia is in poor condition as well as Crittal windows, and timber doors, the building will require underpinning through subsidence;
 - There is a dilapidated external store, there are cracks in the internal walls and piers, new toilets would be required, complete internal refurbishment including repair of cracked floors;
 - The building does not comply with Part M of the Building Regulations in terms of disabled access;
 - There are problems with surface water drainage which would require further investigation. The building would require whole new electricity supply, fire alarm system, new boiler and central heating system and gas supply.
- 10.18 Due to the age of the building (80 years old) it requires constant maintenance and repair works. In order to put the above repair work in order and make the building compliant this would cost approximately £1.01m (excluding VAT). The report concluded that the building is no longer economically viable to refurbish and repair and that it would be more viable to demolish the building.
- 10.19 **Employment Prospects:**
The nature of the use under the former Planning Policy Statement 4 is recognised as an employment generating use. The application states that the current use provides employment for 21 staff on site. It is stated that this would be reduce to 19 staff through natural wastage. "...the proposed care home will generate a need for approximately 58 full time equivalent jobs across the skills spectrum ranging from

gardeners, cleaners, administrative staff, nurses, specialist dementia nurses and management. Therefore it needs to be emphasised that no employment land is being lost and the development of a care home will actually have a greater employment benefits than the existing operation, and overall would satisfy the requirements of Local Plan Policy E2". This addresses the points raised by Planning Policy in Section 7.11.

10.20 Amenity:

In terms of the current uses' impact upon residential amenity, there have been complainants of noise over the years but nothing of recent, however this maybe due to the reduction of site's productivity. Despite this at the time of the Officer site inspection the noise generated from the Engineering activities was audible from Birchalls. It has been outlined within the Planning Statement that through the pre-application consultations with local residents, many expressed concerns about ongoing, noise and smell from the site and would welcome a less intrusive use of the site.

10.21 Need:

There is a demand to meet the Council's housing provision and this site has been considered within the District Council's Strategic Housing Land Availability Assessment (SHLAA). It has been stated within the application submission regarding the Local Planning Authority's duty to have a 5 year land supply and that there is currently not that supply of delivery sites that needs to be provided. Although a care home does not fall within the residential use class it does provide for specific accommodation needs which may in turn free up other housing.

10.22 A Care Needs Assessment Report undertaken by Castleoak has been submitted in support of the application. This discusses the number and nature of care home in the area, and their viability. The report highlights that there is a current need for 83 new care bed within the catchment area, demonstrating that there would be a further increased need.

10.23 ECC Adult Health and Well-Being commented stating that in terms of Essex County perspective only. There is estimated to be a sufficient amount of capacity within a 5 miles of the development site to meet current demand; however there is a current shortfall of 48 beds within a 10 miles radius. This will cover areas which are within reasonable driving distance as noted in the Castleoak report.

10.24 The Uttlesford district is likely to experience a greater than average growth in older people with care needs over the coming years. It is therefore likely that current capacity will not be sufficient to meet local needs over the next few years within a 5 and 10 mile radius. There is however a large undersupply of 222 units of supported housing, including 155 extra care units in Uttlesford district. This should be taken into account when considering any future registered care developments in this area.

10.25 Demolition:

Policy ENV2 Development Affecting Listed Buildings seeks for development that preserves and/or enhances their character, setting and appearance. However contrary to local neighbour objections on the historical importance of the tower, this view is not shared by English Heritage as they consider the structure is not worthy of listing.

10.26 A Waste Management Plan has been submitted as part of the application which outlines the methods of reduction and handling waste during the demolition and construction process. The demolition of the current building can be undertaken to

minimise the impact that would occur to the residential occupiers protecting their residential amenity by minimising dust and noise as part of the process. This can be ensured through the imposition of a condition requesting a methodology statement to be submitted for approval should planning permission be granted, in accordance with Local Plan Policies GEN2 and GEN4. Environmental Health would also be monitoring this aspect under their separate legislation.

10.27 **(B) Scale, layout, design, amenity and sustainable construction issues**

With regards to the proposed design of the scheme the NPPF, RS Policy ENV7, also Local Plan Policy GEN2 seek for quality design, ensuring that development is compatible in scale, form, layout, appearance and materials. The policies aim to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole seeking high quality design.

10.28 ***Design, Size and Scale:***

The internal layout of the proposed scheme has been informed by the need to create a domestic family scale environment familiar to residents and enables staff to provide the appropriate level of care.

10.29 The overall scale and design of the scheme has evolved through the need to achieve the following;

- To maximise distance from residential dwellings in order to prevent overlooking and overshadowing;
- To maximise distance from existing trees in order to prevent overlooking and overshadowing;
- To provide an enclosed courtyard/garden shielding residents from prevailing winds.

10.30 The building is designed in two identical wings each containing 15 bedrooms both at ground and first floor level. The wings are connected by a central community hub which provides the focal point when approaching the site from Coltsfield. Both wings extend towards the northern rear boundary creating the required sheltered courtyard between.

10.31 The proposed two-storey building would be inevitably larger and higher than the existing building, particularly due to the existing flat roof nature of the engineering building. The massing of the proposed building would be reduced through the creation of a number of subordinate ridges, and elements. The proposed use of a mixture of brickwork and render would also facilitate in both bulk and mass reduction. Indicative materials have been proposed at this stage, however a condition would be recommended regarding the approval of materials should planning permission be granted. In consideration of the design of the current building on it which is of no merit the proposed design would provide an efficient use of the site and be more aesthetically appropriate and pleasing. This is considered to accord with Local Plan Policy GEN2 and RS Policy ENV7.

10.32 ***Overlooking and impact upon amenity:***

No overlooking would result from the proposed development as non-habitable rooms (hallway and staircase) would be located closer to the shared northern and western boundary. The main habitable rooms and balconies are considerably set back from the boundaries and the building would be orientated at a slight angle. There would be a distance of at least 24.5m from 6 Birchalls, which is side onto the site with no habitable room windows at first floor level.

- 10.33 In respect of the level of noise from the proposal, the use is more sensitive even though it will be in 24 hour operation with shift workers and due to its nature there is likely to be less noise generation.
- 10.34 The scheme is considered to accord with Local Plan Policies GEN2 and GEN4 regarding impact upon residential amenity.
- 10.35 **Overshadowing:**
A sun path analysis has been undertaken and submitted as part of the application. A number of plans have been submitted which demonstrate the level of overshadowing during the course of a day (during winter, summer and equinox periods) taking account of the area's topography, both existing and proposed ground levels, means of enclosure and any other relevant factors. It is concluded from this information that the level of increased overshadowing would not be noticeable, some change would be felt during the winter period however in general this would not be detrimental upon the residential amenity of the neighbouring occupiers.
- 10.36 **Amenity Space:**
There is approximately 957 square metres of communal amenity space to the north of the site adjacent with the residential gardens of properties fronting Highmead and Birchalls. This is considered to be an appropriate level of space, which would also provide more of a buffer and relief for the adjacent neighbouring properties, in accordance with Local Plan Policy GEN2. Other than the proposed amenity space being provided for enjoyment it is proposed that it will also be a sensory garden to facilitate in the nature of care provided for the residents.
- 10.37 **Energy Efficiency:**
Local Plan Policies GEN1 and ENV15 relating to renewable energy and the Council's Supplementary Planning Document "Energy Efficiency and Renewable Energy", RS Policies ENV1, ENV7 and ENG1 in line with NPPF seeks for sustainable development both in terms of reducing carbon footprint, promoting the use of renewable energy and locating development within accessible locations that can be served by other means of transport.
- 10.38 Uttlesford has a requirement for new non domestic buildings to comply with BREEAM 'Very Good' rating in line with national and regional policy. It has been stated within the application that sustainable measures would be incorporated where viable to achieve a BREEAM rating of 'Very Good' and meet 10% energy efficiency. It is proposed that during the design and build stage measures include a sustainable drainage scheme, water efficient sanitary ware, 'green' materials, and the use of proposed the Waste Management Plan. In addition, reduced light pollution will be a measure that will be considered in order to achieve BREEAM 'Very Good'. It has been confirmed within the application that the scheme will still need to accord with Part L of the Building Regulations relating to energy efficiency. The Council's Climate Change Officer raised no objections to the application subject to a condition relating to achieving BREEAM 'Very Good' should planning permission be granted. This is in accordance with Policies GEN2, and ENV15 of the local plan, also RS Policies ENV1, ENV7 and ENG1 and the Council's Supplementary Planning Document "Energy Efficiency and Renewable Energy".
- 10.39 **(C) Highways, Accessibility and Parking**
Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within National Planning Policy Framework. Local plan policy GEN1 states "development will only be permitted if it meets all of the following criteria;

- a) *Access to the main road network must be capable of carrying the traffic generated by the development safely.*
 - b) *The traffic generated by the development must be capable of being accommodated on the surrounding transport network.*
 - c) *The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.*
 - d) *It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.*
 - e) *The development encourages movement by means other than driving a car.”*
- This is also reflected within regional Policies SS1, T1, T2, T13 and ENV1 of the RS.

- 10.40 An Interim Travel Plan has been submitted alongside a Transport Statement.
- 10.41 Whilst the site is not considered to be the most accessible site in terms of locality in relation to bus routes the proposed development would be located within development limits on land that is already developed and the train station is located within walking distance. Due to the nature of the proposed use the traffic movement from the site would be relatively low at 6 two-way movements in the morning peak hour and 8 two-way movements in the evening peak hour. The fundamental movement would result from staff and visitors as the residents are predominately in their 80s and do not own cars.
- 10.42 The care home would be a 24 hour operation with typically 3 staff shifts, morning shift being between 6-8am, afternoon being around 2.30pm and the night shift being between 9-10pm. It is stated that based on the times of the shift these would be outside the local peak traffic periods.
- 10.43 The site has existing accesses that will continue to be used. The local roads are not known for any recorded traffic accidents.
- 10.44 Additional information has been submitted regarding parking and servicing of site in order to address Highway Authority initial concerns. With regards to parking provision ULP Policy GEN8 requires the parking provision to be in accordance with current adopted standards. The proposal provides 25 parking spaces for the 60 bed care home. The 2009 Essex parking guidance indicates a maximum car parking provision of one space per full-time-equivalent staff plus one visitor space per three beds this equates to 40-45 car parking spaces. It has been stated that because the requirements are a maximum it has been demonstrated that a lower provision is appropriate and suitable.
- 10.45 The additional information states that *“based on some 20-25 likely maximum of staff on site at any one time a maximum of some 40 to 45 spaces could be required. However this level of parking is excessive based on TRICS and our experience compared with both highway authorities’ guidance and care home surveys.*
- 10.46 *We have therefore reviewed surveys from the TRICS national database to assess the maximum parking demand based on the arrival and departure pattern during the day. The data, which has been supplemented with numbers of staff vehicles parked overnight of 4, indicates that the maximum demand would be for some 20 spaces. Allowing a typical 10% variation the maximum demand could therefore be for some 22 spaces. However the data includes delivery vehicles and vehicles that only drop-off or collect staff and residents but do not stay and park. In practice the parking demand could therefore be lower than 22 vehicles.”*

- 10.47 New information has been received on care home surveys from the applicant (Castleoak) on parking surveys undertaken at 10 other care homes run in conjunction with the end user of this proposed home, November 2011. *“The average peak parking demand across all 10 homes was 0.23 spaces per room. The 85th percentile parking demand was some 0.29 spaces per room. For the proposed 60 room care home this gives a peak parking demand for 18 spaces. The work of SLR has advised they normally work on a parking to room ratio of 0.33. This is consistent with our trips-based assessment and our own work for other large operators of homes. The provision of 25 car spaces gives flexibility in parking information.”*
- 10.48 With regards to shift staff changed, in practice shift staff do not generally all arrive or depart at the same time so the change-over period is staggered. This would avoid a sudden surge in parking demand at these times. It is also stated in the information submitted that the main staff changeover periods do not coincide with the typical parking demand which occurs in the late morning/early afternoon, particularly as the care home would be open to visitors during the whole day. This results in visitor arrivals being spread throughout the day and again avoids sudden peak periods in parking demand.
- 10.49 A Travel Plan would be adopted by the operator with measures implemented from first opening. This would encourage staff to walk, cycle, car share and use public transport to get to work. Given the limited bus service it is likely that car sharing would be the most attractive travel mode for those living further than reasonable walking or cycling distances. The train station is some 850m from the site and serves a 30 minute service between Cambridge and London. On the basis of this information the proposed 25 spaces would be satisfactory to meet the likely parking demand. This would contain all development related parking within the site and not result in overspill parking on to local roads, in accordance with Local Plan Policy GEN8 and ECC Parking Standards (2009).
- 10.50 With regards to the proposed car bays sizes these are 2.5m wide by 5m long in accordance with the minimum size indicated in the 2009 Essex parking guidance, which would be allow in exceptional circumstances. It has been argued within the submitted documentation that *“the preferred car bay size given in the Essex guidance is of 2.9m x 5.5m. However this is in excess of accepted national guidance of 2.4m x 4.8m and in practice to provide larger space is an inefficient use of land. In practice if a larger bay size is provided then the standard aisle width of 6m could be reduced. However this is not the approach taken by Essex.”*
- 10.51 The development site is constrained by retaining structures and trees on the Colstfield frontage and, particularly, level differences at the High Lane frontage. The balance of a viable building size, parking and servicing space has been achieved by using the minimum permitted bay size of 2.5m x 5m to ensure that an appropriate level of parking is achieved. It has been stated that the use of 2.9m x 5.5m bays would mean the loss of some four or five spaces and thereby compromise the parking provision.
- 10.52 It is also argued that the nationally accepted parking bay size is 2.4m x 4.8m and is referenced in national guidance including Manual for Streets, the Institution of Structural Engineers' (ISE) document on multi-storey car park design, and many other guidance documents. The 2.4m x 4.8m bay is used satisfactorily at short-stay, high parking turnover developments such as supermarkets and public car parks. The rate of parking turnover at the care home for visitors would be low and for staff would only occur at shift change periods. Use of the standard 2.4m x 4.8m

bay has previously been agreed with highway officers at other care home developments in Essex.

- 10.53 The parking provision is considered to be acceptable in this instance and no objection has been raised by the Highways Authority subject to conditions.
- 10.54 Accessibility:
Local Plan Policies GEN1 and GEN2 require all developments to ensure that they are accessible to all in order to ensure social inclusion. It has been stated within the application submission that the scheme would be DDA compliant and accord with Part M of the Building Regulations, however the proposed building by its proposed nature would have to be accessible to people with all levels of disabilities. This is in accordance with sections (c) and (d) of Local Plan Policy GEN1 and GEN2.
- 10.55 Within the submitted Design and Access Statement it highlights how the scheme proposes to achieve the reduced potential for crime. It states that the site would be securely fenced to create a safe environment for the future residents. The proposed car parking areas would be overlooked creating natural surveillance and any lighting scheme would facilitate this. There would be one main entrance to the building. The design of the scheme would also clearly demarcate the public from the private areas. This is in accordance Local Plan Policy GEN2 (d) by helping to reduce the potential for crime.
- 10.56 **(D) Contaminated land issues**
The contamination report that has been submitted as part of the application submission concluded that there is evidence of ground contamination. The trail samples revealed that the concentration levels of contamination were below published Soil Guideline Values for residential developments. This was considered to be suitable for residential development as proposed without modification. No objection was raised by the Council's Environmental Health, however; the Environment Agency has requested conditions relating to contamination, verification and remediation measures, no infiltration of surface water drainage into ground, no penetrative foundations or boreholes. Should planning permission be granted a condition would be required to be imposed addressing this aspect, in accordance with Local Plan Policies ENV14 and GEN2, RS Policy ENV7 and the NPPF.
- 10.57 **(E) Flood risk issues**
The application site is located within Flood Zone 1 where by having a low probability of flooding. Local Plan Policy GEN3, RS Policy WAT4 the protection and prevention from flooding.
- 10.58 It's Flood Risk Zone 1 classification means the site has low probability of flooding from tidal and fluvial sources therefore site would be pass a sequential test of any development and would not require an Exception Test that was required under the previous PPS25. As the application site is 0.5 hectares and being located within a Flood Risk Zone 1 it would need to be assessed as part of any application the sustainable means for surface water management.
- 10.59 It has been stated within the application the existing foul sewer connection will be utilised. Details regarding discharge into local soakaways are being discussed with the Environment Agency. No objection has been raised by the Drainage Engineer subject to the imposition of a surface water drainage condition should planning permission be granted. This would accord with Local Plan Policies GEN3 and

GEN2, also RS Policies WAT4 and ENV7, and the NPPF.

10.60 **(F) Impact on biodiversity**

Wildlife

Local plan policy GEN7 for nature conservation seeks that development that would have harmful effects upon wildlife or geological features will not be permitted unless the need for development outweighs the harm. It also seeks that a conservation survey be sought for sites that are likely to be ecologically sensitive with associated mitigation measures. Policies ENV1 and ENV3 of the RSS seeks to maximise biodiversity, and that proper consideration is given to the effects upon conservation of habitats.

10.61 In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities Act 2006 states “*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*”. This includes local authorities carrying out their consideration of planning applications. Similar requirements are set out in Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010. Recent case law has established that local planning authorities have a requirement to consider whether the development proposals would be likely to offend Article 12(1), by say causing the disturbance of a species with which that Article is concerned, it must consider the likelihood of a licence being granted.

10.62 The tests for granting a licence are required to apply the 3 tests set out in Regulation 53 of the Habitats Regulations 2010. These tests are:

- i) The consented operation must be for “*preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment*”; and
- ii) There must be “*no satisfactory alternative*”; and
- iii) The action authorised “*will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range*”.

10.63 An Extended Phase 1 Habitat Survey has been submitted as part of the application. This highlighted that Bat droppings were found outside the building and a single bat movement on 2 occasions from behind the fascia. No evidence of badgers or nesting birds was found on site and the site is not suitable for reptiles.

10.64 Given that the number of bats is low a licence can be gained from Natural England. A list of mitigation and compensation measures have been highlighted within the Habitat Survey, which include the provision of new bat roost, are considered to be acceptable subject to a condition ensuring the mitigation measures. The proposed development is not considered to detrimentally impact upon protected wildlife and the resultant scheme could improve the opportunities for encouraging wildlife. This accords with Local Plan Policy GEN7, Policies ENV1 and ENV3 of the RSS and the NPPF’s regarding sustainability of developments.

10.65 Landscaping:

As part of the application a plan has been submitted proposing measures to protect

trees whilst the proposed works are ongoing, together with what is proposed to be removed and an indicative landscape proposal.

- 10.66 No objection has been raised by the Council's Landscape Officer. It has been stated that the existing trees shown to be retained are the most important subjects; as for the removal of those existing trees on the green sward fronting High Lane these are not considered to be of particularly high amenity value and there is no objection to their removal subject to an appropriate scheme of new planting. The scheme is therefore considered to accord with Local Plan Policies GEN7 and GEN2, subject to conditions being imposed relating to protective fencing and details of landscaping should planning permission be granted.

10.67 **(G) Other material consideration**

Another material change since the granting of planning permission is the adoption of National Planning Policy Framework (March 2012). Amongst other things, this seeks a presumption in favour of sustainable development unless material considerations indicate otherwise. Also development proposals that accord with the development plan are to be approved without delay. It goes onto seek high quality design and good standard of amenity for all existing and future occupants of land and buildings, promoting viability of urban areas, promoting use of brownfield land. The proposed development accords with the National Planning Policy Framework

11. CONCLUSIONS:

- 11.1 The proposed scheme would provide the mix of housing sought under paragraph 50 of the NPPF to meet the needs of older people together with the needs of people with disabilities. The current use is a non conforming use which has had an impact upon residential amenity and the use has outgrown the site whereby this can not continue without intensifying the level of harm to local residential amenity. The site is not an identified key employment site however the proposed care home would provide a greater level of employment than the current use. There is a need for a care facility of which the need will grow further over the coming years. This is in accordance with Local Plan Policies S1, E2, also LC3 which seeks for the provision of community facilities and RS Policies SS1, E1 and E2 also the NPPF.
- 11.2 The principle of the demolition of the building is acceptable subject to conditions, in accordance with Local Plan Policies GEN2 and GEN4.
- 11.3 The size, scale and design, also the impact upon residential and visual amenity is acceptable subject to conditions, in accordance with Local Plan Policy GEN2 and RS Policy ENV7.
- 11.4 The proposed development would achieve BREEAM 'Very Good' in accordance with Local Plan Policies GEN1, GEN2 and ENV15, also RS Policies ENV1, ENV7 and ENG1.
- 11.5 The proposed vehicle movements to and from the site would be low and staggered during the course of the day, limited to staff and visitors. A travel Plan is proposed to help manage movement to and from the site which would be ensured through the imposition of a condition. This is in accordance with Local Plan Policy GEN1 and RS Policies SS1, T1 and T2.
- 11.6 The number of car parking spaces is acceptable and exceptional circumstances have been demonstrated regarding the size of the parking bays. The Highways Authority have not objected and the scheme accords with Local Plan Policy GEN8

and ECC Parking Standards (2009) in this respect.

- 11.7 The proposed development would be accessible and DDA compliant. It would also provide adequate measures to reduce the potential for crime, which can be further ensured and enhanced subject to a condition should planning permission be granted. This is in accordance with Local Plan Policies GEN1 and GEN2.
- 11.8 There are levels of contamination on site however this can be addressed through conditions in accordance with Local Plan Policies ENV14 and GEN2 and RS Policies WAT4 and ENV7.
- 11.9 An extended Phase 1 Habitat Survey highlighted low bat movement on site. Subject to a condition to undertake mitigation measures the scheme accords with Local Plan Policy GEN7 and RS Policies ENV1 and ENV3.
- 11.10 Landscaping implications are also considered acceptable subject to conditions in accordance with Local Plan Policies GEN7 and GEN2.

RECOMMENDATION – CONDITIONAL APPROVAL subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule, unless otherwise agreed in writing with the Local Planning Authority.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

3. Prior to the erection of the development hereby approved (not including footings and foundations) samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

4. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-
 - a) proposed finished levels [earthworks to be carried out]
 - b) means of enclosure

- c) car parking layout and cycle storage
- d) vehicle and pedestrian access and circulation areas
- e) hard surfacing, other hard landscape features and materials
- f) existing trees, hedges or other soft features to be retained and proposed tree protection
- g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
- h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- i) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- j) location of service runs
- k) management and maintenance details

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, In accordance with Policies GEN2, GEN3, GEN4, GEN7 and GEN 8 of the Uttlesford Local Plan (adopted 2005)

5. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development, in accordance with Policies GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

6. The development hereby permitted as designed, specified and built shall achieve the equivalent of a BREEAM 'very good' rating, namely the building emissions rate (BER) achieved shall be at least 25% lower than the target emissions rate (TER) as calculated by the Building Regulations 2006 Part L2A SBEM methodology, and will incorporate other water saving and environmental features agreed with the planning authority.

The applicant will provide the planning authority with a design SBEM rating of the proposed development carried out by an accredited assessor before work commences on-site, as well as details of water saving and other environmental features. Within **twelve weeks** following its completion, the applicant will provide a

SBEM rating of the as-built building and details of water saving and other environmental features incorporated.

REASON: In the interests of the promotion of sustainable forms of development and construction and construction to meet the requirements contained in adopted SPD Energy Efficiency and Renewable Energy Adopted October 2007.

7. No development (excluding demolition) shall take place until proposed levels including cross-sections of the site and adjoining land, including details of existing levels around the building(s) hereby permitted and any changes in level proposed, together with the proposed floor levels within the building(s), have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To protect the amenities of neighbours and in order to minimise the visual impact of the development in the street scene, in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

8. If at any time during the course of construction of the development hereby approved, a species of animal or plant (which include bats and great crested newt) that is protected under the Conservation (Natural Habitats &c Regulations 1994) is discovered, all construction or other site work shall cease until a license to disturb any protected species has been granted by Natural England.

REASON: To comply with the requirements of the Habitats Regulations and to protect species of conservation concern.

Protected species' are those species of plants and animals that are afforded legal protection, for example under the European Union Birds Directive and Habitats Directive (these "European Protected Species" are the highest priority for protection), or under Schedules 1, 5 and 8 of the Wildlife & Countryside Act 1981 (as amended), and the Protection of Badgers Act 1992. Developments which compromise the protection afforded European Protected Species will almost invariably require a license from Natural England. This applies to Bats (all species) Great Crested Newt, Otter, and Dormouse.

9. Before the commencement of the development (excluding demolition) hereby approved, details of the location and design of the refuse bin and recycling materials storage areas and collection points shall be submitted to and approved by the local planning authority. The refuse storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the building to which they relate and shall be retained in the approved form thereafter.

REASON: To meet the District Council requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability, in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

10. No development shall commence until vehicular parking for site operatives (including provision for delivery and storage of materials) clear of the highway has been provided within the application site in accordance with details to be submitted to and approved in writing by the local planning authority prior to the commencement of the development, and such provision shall be retained and kept available for this purpose during construction of the development.

REASON: In order to prevent indiscriminate parking in the interests of highway

safety and residential amenity, in accordance with Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005).

11. The area set aside for car parking shall be laid out and surfaced, in accordance with a scheme which has been submitted to and agreed in writing by the local planning authority before the building hereby permitted is first occupied and shall be retained permanently thereafter for the vehicle parking of staff and visitors and shall not be used for any other purpose.

REASON: To ensure a satisfactory standard of development in the interests of highway safety, in accordance with Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005).

12. No development (including demolition) shall commence until wheel cleaning apparatus has been provided within the application site in accordance with details to be submitted to and approved in writing by the local planning authority prior to the commencement of the development, and which shall be operated and maintained as approved during construction of the development hereby approved.

REASON: In order to ensure that the wheels of the vehicles are cleaned before leaving the site in the interests of highway safety, in accordance with Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

13. The first six metres of any private access way as measured from the proposed highway boundary, shall be treated with a bound surface dressing to be submitted to and approved in writing by the local planning authority before commencement of development and thereafter implemented in accordance with those approved details and retained in that form.

REASON: To prevent the tracking out of materials onto the highway in the interests of highway safety, in accordance with Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

14. Before development commences details of any proposed external lighting scheme and security measures to reduce the potential for crime have been submitted to and approved by the Local Planning Authority.

REASON: To protect the amenities of the locality by avoiding light pollution and reducing the potential for crime related activity in accordance with Policy GEN2 of the Uttlesford Local plan (adopted 2005).

15. The development hereby permitted shall be implemented in accordance with the details identified within the Waste Management Plan.

REASON: To protect the amenities of the locality and surrounding residential occupiers preventing pollution, in accordance with Policy GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

16. No development hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the former Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable

drainage scheme is to be provided, the submitted details shall:

- i. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge from the site and the measures taken to prevent pollution of the receiving groundwater and/o surface waters;
- ii. Include a timetable for its implementation; and
- iii. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements to secure the operation of the scheme throughout its lifetime.

REASON: To control the risk of flooding to the development and adjoining land in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005) and NPPF.

17. No development shall take place until details of the implementation, adoption/ownership, maintenance and management of the sustainable drainage system, incorporating details investigating exceedence flows if the storage provided is exceeded shall be submitted to and approved in writing by the local planning authority. The system shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

REASON: To ensure suitable drainage for the development in accordance with Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

18. The development hereby permitted shall be implemented in accordance with the ecological scheme of mitigation/enhancement submitted with the application in all respects and any variation thereto shall be agreed in writing by the local planning authority before such change is made.

REASON: In the interest of the protection of the wildlife value of the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and NPPF.

19. Before the commencement of development a scheme for the protection of noise sensitive properties, including noise limits during construction/demolition works shall be submitted to and agreed by the Local Planning Authority, and thereafter implemented in accordance with the approved details.

REASON: In order to safeguard and protect the amenity of neighbouring residential occupiers and the locality, in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

20. Before the commencement of demolition a detail plan of work for demolition, also detailing measures to control noise and dust shall be submitted to and agreed by the local planning authority.

REASON: In order to safeguard and protect the amenity of neighbouring residential occupiers and the locality, in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005)

21. Demolition or construction works (including deliveries) shall not take place outside 7.30 hours to 18.00 hours Mondays to Fridays and 7.30 hours to 13.00 hours on Saturdays and at no time on Sundays or Bank Holidays.

REASON: In the interests of the amenity of the area in accordance with Policies GEN2 and GEN4 of the Uttlesford Local plan (adopted 2005).

22. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To protect controlled waters (Secondary A Glacial sands/gravels, Secondary A Thanet Sands and Principal Aquifer Chalk), in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

23. No occupation of each stage of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON: To ensure that all necessary measures to prevent pollution of controlled waters have been carried out as approved, in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

24. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

REASON: Intrusive investigations are selective so they do not necessarily uncover all existing contamination, that may be uncovered during excavation

works. The present site intrusive investigation was limited to the peripheries, leaving the core of the site not investigated. This condition will address any unidentified contamination, in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

25. No infiltration of surface water drainage into the ground as proposed at this site is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

REASON: There is a high risk of contamination if deep soakaways are used at this site. We note that there is a change to use shallow soakaway, so we request the details of the shallow soakaway and associated structures, including maintenance scheme, in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

26. Piling or any other foundation designs / investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

REASON: The proposed grouting for soil improvement using penetrative methods can result in risks to potable supplies from risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. The chemical laboratory result for the leachate analysis of grout material presented was considered not suitable because of the methodology employed with respect to cadmium and hydrocarbons. It is necessary to repeat those analyses and present the results again for consideration, in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

27. No demolition or preliminary groundworks of any kind shall take place until the applicant or future successor has secured the implementation of a programme of archaeological recording in accordance with a written scheme of investigation which has been submitted to and approved by the local planning authority.

REASON: Information received from a local resident identified the presence of a two storey defensive structure of Second World War dated incorporated into the present Braefield Works. The fourth edition Ordnance Survey maps show a building on the development site which is somewhat larger than the second floor structure that is now visible; however, it is possible that this was part of a larger structure which has then been expanded to form the Braefield works. This is very unusual with no other known comparable examples in the country. Its significance is unknown; however, it should be recorded before any demolition takes place. A recognised professional team of archaeologists should undertake the archaeological work. The work will consist of a building record being made of the Second World War Structure prior to the demolition of the engineering works.

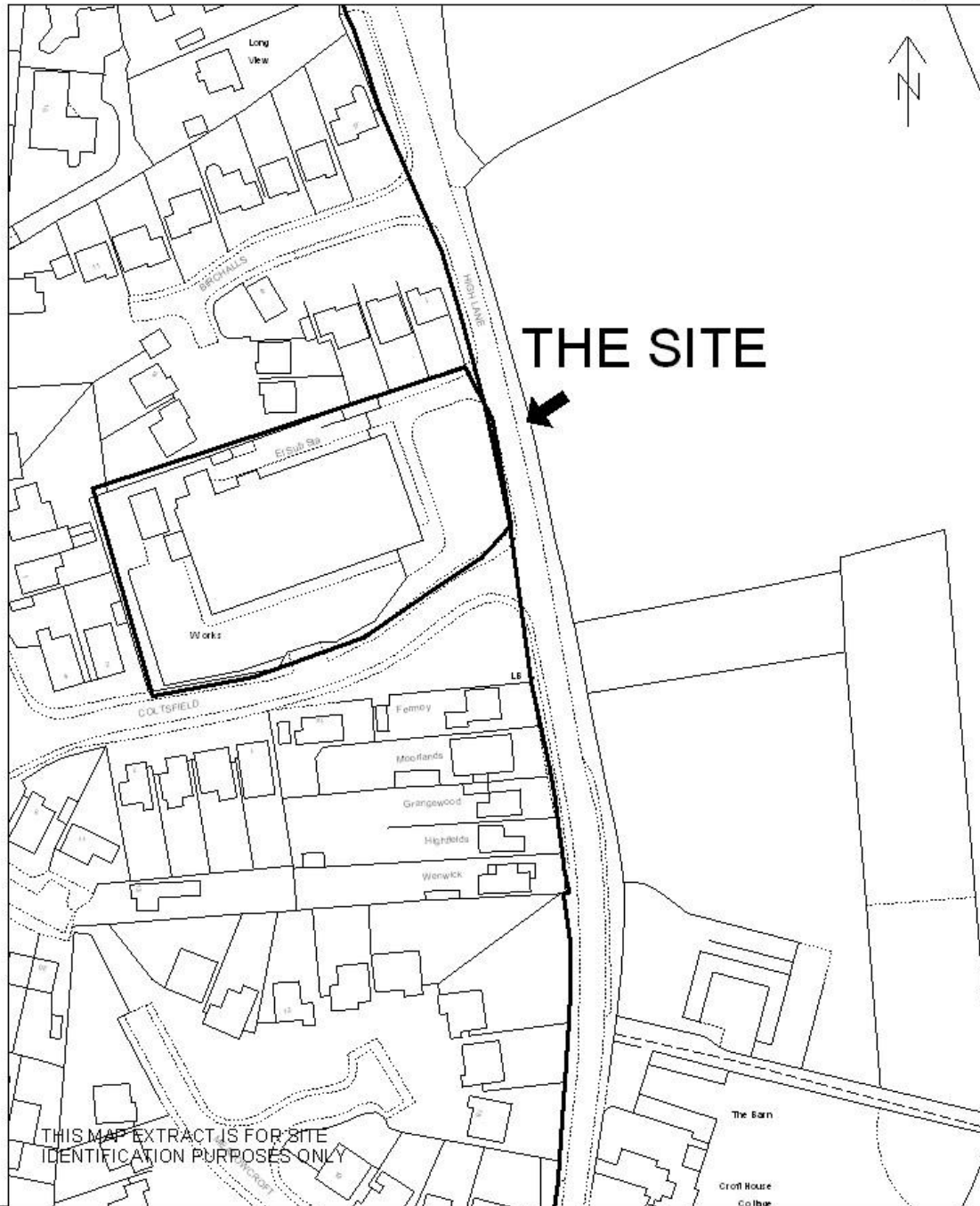
28. Details, including acoustic specification, of all fixed plant, machinery and equipment associated with air moving equipment, compressors, generators or plant or equipment of a like kind installed within the site, shall be submitted to and approved by the Local Planning Authority in writing before installation.

REASON: To protect the amenities of the occupiers of the adjoining properties and safeguarding the appearance of the development in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

29. Before operational occupation of the development a Travel Plan shall be submitted to and agreed by the Local Planning Authority. The Travel Plan shall be adhered to at all times unless otherwise approved in writing by the Local Planning Authority and be subject to ongoing monitoring and review in association with the Sustainable Travel Team at Essex County Council. Details, including any variations, shall be submitted to and agreed in writing with the Local Planning Authority and implemented in accordance with the approved details.

REASON: In the interests of accessibility and to promote the use of public transport, walking and cycling, in accordance with Policies GEN1 and GEN8 of the Uttlesford Local Plan adopted 2005, ECC Parking Standards (2009), Policy SS1 and SS3 of the Regional Spatial Strategy (adopted May 2008) also NPPF

Background papers: see application file.



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DATE:13/06/2012

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